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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Douglas J. Cutter et al.

Serial No.: 09/777,036

Filed: February 5, 2001

For: METHOD AND APPARATUS FOR  
CHECKING THE RESISTANCE  
OF PROGRAMMABLE ELEMENTS

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Group Art Unit: 2874

Examiner: Unassigned

Atty. Docket: MCRO:181--1/FLE  
95-0580.01

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

CERTIFICATE OF TRANSMISSION OR MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with sufficient postage with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313, on the date below:

September 13, 2004  
Date

*MSA*  
Michael G. Fletcher

Sir:

**RESPONSE TO NOTICE OF INCOMPLETE  
REPLY (NONPROVISIONAL) AND RESPONSE  
TO WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

In response to the Notice of Incomplete Reply (Nonprovisional) and the Withdrawal of Previously Sent Notice, both mailed on August 16, 2004, Applicants respectfully request reconsideration of the above-referenced application in view of the remarks set forth below.

The Withdrawal of Previously Sent Notice states that the Notice of Abandonment mailed on August 7, 2003, was sent in error and is hereby withdrawn. The recognition that the Notice of Abandonment should be withdrawn is appropriate in view of the Petition under 37 C.F.R. § 1.181 in Response to Notice of Abandonment mailed by Applicants on August 28, 2003, a copy of which is attached as Exhibit 1. As set forth in the Petition, the undersigned discussed the Notice to File Missing Parts mailed on April 20, 2001, with Preston Wallace of the Patent

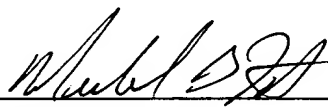
Office's Customer Service Center, who instructed Applicants to disregard the Notice to File Missing Parts in view of the fact that a Declaration evidencing Fan Ho's signature is clearly not required in view of the Decision According Status under 37 C.F.R. § 1.47(a) filed on February 5, 2001. Accordingly, *no late filing fee for an oath or declaration was ever due in the above-referenced application.* As such, the Notice of Incomplete Reply (Nonprovisional) requiring a late filing fee surcharge for an oath or declaration is similarly in error.

Given the fact that examination of the above-referenced application has been unfairly and unduly delayed due to repeated Patent Office mistakes for more than three and a half years, Applicants strenuously request: (1) withdrawal of all outstanding notices and requirements; (2) immediate substantive examination of the above-referenced application; and (3) a term extension for any patent subsequently issuing from this application to reflect the period of enforcement lost due to the Office's continued errors.

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

Date: September 13, 2004

  
\_\_\_\_\_  
Michael G. Fletcher  
Reg. No. 32,777  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545



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file

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/777,036		Douglas J. Cutter	MCRO:181--1/FLE 95-0580.0

CONFIRMATION NO. 2669

**WITHDRAWAL NOTICE**



\*OC000000013501381\*

Michael G. Fletcher  
Fletcher, Yoder & Van Someren  
P.O. Box 692289  
Houston, TX 77269-2289

Date Mailed: 08/16/2004

**WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

The Notice of Abandonment mailed on 08/07/2003 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. The Office regrets any inconvenience the error may have caused.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

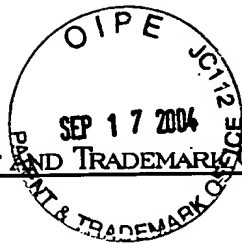
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Fletcher Yoder



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/777,036	02/05/2001	Douglas J. Cutter	MCRO:181--1/FLE 95-0580.0

CONFIRMATION NO. 2669

Michael G. Fletcher  
Fletcher, Yoder & Van Someren  
P.O. Box 692289  
Houston, TX 77269-2289

**FORMALITIES LETTER**



\*OC000000013550253\*

Date Mailed: 08/16/2004

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

***Filing Date Granted***

The U.S. Patent and Trademark Office has received your reply on 09/08/2003 to the Notice to File Missing Parts (Notice) mailed 04/20/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE